

OFFICIAL COPY

Fresno, California

May 7, 2002

The City Council met in regular session at the hour of 8:33 a.m. in the Council Chambers, City Hall, on the day above written.

Present:	Tom Boyajian	Councilmember
	Brian Calhoun	Councilmember
	Brad Castillo	Acting President
	Jerry Duncan	Councilmember
	Dan Ronquillo	Councilmember
	Henry Perea	Council President
Absent:	Sal Quintero	Councilmember (Death in family)

Dan Hobbs, City Manager  
Hilda Cantu Montoy, City Attorney  
Becky Klisch, City Clerk  
Yolanda Salazar, Assistant City Clerk

Pastor Paul Binion, Westside Church of God, gave the invocation, and Police Sgt. Watson led the Pledge of Allegiance to the Flag.

*(ADD-ON):* CERTIFICATE OF COMMENDATION TO DR. K. S. ALIK

PROCLAMATION OF ELDER ABUSE PREVENTION MONTH - COUNCILMEMBER BOYAJIAN

PROCLAMATION OF NURSES WEEK

PROCLAMATION OF OLDER AMERICANS MONTH

*(ADD-ON):* PRESENTATION OF BOOK (JOHN ADAMS BIOGRAPHY) TO THE CITY COUNCIL BY THE BUILDING INDUSTRY ASSOCIATION (BIA)

PROCLAMATION OF PEACE OFFICERS' MEMORIAL DAY

PROCLAMATION OF EOC FOSTER GRANDPARENT PROGRAM DAY - COUNCILMEMBER RONQUILLO

CERTIFICATES OF APPRECIATION TO P.R.I.D.E. TEAM FOR THE SPRING QUARTER **(2 - 0)**

The above certificates and proclamations were read and presented.

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The City Council recessed and convened in joint session with the Redevelopment Agency at the hour of 9:29 a.m.

**APPROVE AGENCY MINUTES OF APRIL 23, 2002**

On motion of Councilmember Ronquillo, seconded by Councilmember Calhoun, duly carried, RESOLVED, the Agency minutes of April 23, 2002, approved as submitted.

**(“A”) AWARD A CONTRACT TO DOUBLE B TRUCKING AND DEMOLITION OF FOLSOM, CALIFORNIA, IN THE AMOUNT OF \$14,800 FOR DEMOLITION OF BUILDINGS AT 1007 FRESNO STREET, 1230 “A” STREET, AND SITE GRADING**

On motion of Councilmember Ronquillo, seconded by Councilmember Calhoun, duly carried, RESOLVED, the above contract hereby awarded, by the following vote:

Ayes	:	Boyajian, Calhoun, Castillo, Perea, Ronquillo, Duncan
Noes	:	None
Absent	:	Quintero

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The joint bodies adjourned their meeting at 9:30 a.m. and the City Council reconvened in regular session.

**APPROVE MINUTES OF APRIL 23, 2002**

On motion of Councilmember Duncan, seconded by Councilmember Ronquillo, duly carried, RESOLVED, the minutes of April 23, 2002, approved as submitted.

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**APPROVE AGENDA:**

**(4A) REPORT TO COUNCIL REGARDING THE SUMMARY OF RESULTS OF SIGN ORDINANCE COMMITTEE MEETINGS**

Laid over one week for Committee Member Quintero’s presence. President Perea advised Councilmember Quintero was absent due to the passing of his Mother-in-Law.

**DIRECT STAFF TO SCHEDULE WORKSHOP ON ECONOMIC DEVELOPMENT POLICY AND PLANS DURING EDC OR HECD BUDGET REVIEW AT A TIME CERTAIN - COUNCILMEMBER CALHOUN**

Direction made.

On motion of Councilmember Calhoun, seconded by Councilmember Ronquillo, duly carried, RESOLVED, the **AGENDA** hereby approved, by the following vote:

Ayes : Boyajian, Calhoun, Castillo, Duncan, Ronquillo, Perea  
Noes : None  
Absent : Quintero

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**ADOPT CONSENT CALENDAR:**

**(1-A)** ACCEPT DEED OF EASEMENT FROM PROPERTY LOCATED AT THE SOUTHWEST CORNER OF ASHLAN AND BLYTHE AVENUES (APN 311-081-28) FOR INTERSECTION IMPROVEMENTS, AND APPROVE THE AGREEMENT FOR THE PURCHASE AND SALE OF EASEMENT ON REAL PROPERTY FOR THE COMPENSATION OF \$31,507 TO BE PAID TO THE GRANTOR, ASHLAN-BLYTHE PARTNERS; AND AUTHORIZE THE PUBLIC WORKS DIRECTOR TO EXECUTE ALL DOCUMENTS NECESSARY TO CONCLUDE THE TRANSACTION THROUGH ESCROW

**(1-B)** APPROVE A LEASE AGREEMENT WITH AMERICAN BAPTIST HOMES OF THE WEST FOR LEASE OF LAND FOR BUS STOP IMPROVEMENTS AT SAN JOAQUIN GARDENS, 5555 N. FRESNO STREET, AND AUTHORIZE THE PUBLIC WORKS DIRECTOR TO EXECUTE AND RECORD THE LEASE AGREEMENT ON BEHALF OF THE CITY

**(1-C)** APPROVE A PROFESSIONAL SERVICES AGREEMENT WITH BLAIR, CHURCH AND FLYNN IN THE AMOUNT OF \$383,7000 FOR THE DESIGN OF REHABILITATION PROJECTS AND CAPACITY ENHANCEMENT IMPROVEMENTS OF WASTEWATER COLLECTION FACILITIES, AND AUTHORIZE THE CITY MANAGER OR DESIGNEE TO EXECUTE THE AGREEMENT ON BEHALF OF THE CITY

**(1-D)** APPROVE THE ACQUISITION OF, AND ACCEPT EASEMENT DEEDS FOR, WATER MAIN EASEMENTS FROM THE BANK OF AMERICA FOR \$8,700 AND CARL A. PILEGARD FOR \$13,580, TO CONNECT PUMP STATION 225 TO THE SOUTHEAST TANK FACILITY, AND AUTHORIZE THE PUBLIC WORKS DIRECTOR TO SIGN ALL DOCUMENTS NECESSARY TO COMPLETE THE TRANSACTIONS ON BEHALF OF THE CITY

**(1-E) RESOLUTION NO. 02-150** - INTENT TO ANNEX FINAL TRACT MAP NO. 5051 TO CITY OF FRESNO COMMUNITY FACILITIES DISTRICT NO. 2, ANNEXATION NO. 36, AND SETTING THE TIME AND PLACE FOR THE PUBLIC HEARING FOR JUNE 11, 2002, AT 10:15 A.M.

**(1-f) RESOLUTION NO. 02-151** - CONSIDER ALTERING TYPES OF SERVICES TO BE FINANCED BY COMMUNITY FACILITIES DISTRICT NO. 2 FOR FINAL TRACT NO. 4723 OF ANNEXATION NO. 32, AND SETTING THE TIME AND PLACE FOR THE PUBLIC HEARING FOR JUNE 11, 2002, AT 10:30 A.M.

**(1-G)** AWARD A CONTRACT TO GEORGE DAKOVICH & SON, INC., OF FRESNO IN THE AMOUNT OF \$253,744 FOR THE RELOCATION OF WATER, SEWER AND STREET LIGHTING FACILITIES TO ACCOMMODATE CONSTRUCTION WITHIN THE PROPOSED ROUTE 180 CORRIDOR BETWEEN CHESTNUT AND CLOVIS AVENUES

**(1-H)** REJECT ALL BIDS FOR INSTALLATION OF STAIRS AT PARKING GARAGE NO. 8 BECAUSE THEY SUBSTANTIALLY EXCEED THE FUNDS AVAILABLE FOR THE PROJECT, AND DIRECT STAFF TO REVISE THE SPECIFICATIONS AND REBID THE PROJECT

**(1-I)** AWARD A ONE-YEAR REQUIREMENTS CONTRACT WITH PROVISIONS FOR A SINGLE ONE-YEAR EXTENSION TO CALIFORNIA BUSINESS FURNISHINGS OF FRESNO IN THE AMOUNT OF \$154,401 FOR PASSENGER SEATING FOR THE FRESNO YOSEMITE INTERNATIONAL AIRPORT CONCOURSE EXPANSION

**(1-J)** APPROVE A LEASE AND CONCESSION AGREEMENT WITH SHAREE CURTICE, DBA THE RUB CLUB TO OCCUPY PREMISES AT THE FRESNO YOSEMITE INTERNATIONAL (FYI) AIRPORT TO CONDUCT A CHAIR MASSAGE BUSINESS, AND AUTHORIZE THE DIRECTOR OF TRANSPORTATION TO EXECUTE THE AGREEMENT ON BEHALF OF THE CITY

**(1-K)** APPROVE EXTENSION OF A TEMPORARY USE PERMIT FOR FACILITIES SERVICES & SYSTEMS (FS&S) TO OCCUPY PREMISES AT THE FRESNO YOSEMITE INTERNATIONAL (FYI) AIRPORT, AND AUTHORIZE THE DIRECTOR OF TRANSPORTATION TO EXECUTE ANY DOCUMENTS NECESSARY TO EFFECTUATE SAID EXTENSION OF TERM

**(1-L)** APPROVE LEASE AND AGREEMENT WITH CORPORATE AIRCRAFT, INC., TO OCCUPY PREMISES AT 4826 E. SHIELDS AVENUE, AND AUTHORIZE THE DIRECTOR OF TRANSPORTATION TO EXECUTE SAME ON BEHALF OF THE CITY

**(1-O)** APPROVE GRANT AMENDMENT NO. 1 FOR AIP NO. 03-06-0087-25 FOR AN ADDITIONAL \$96,763 FOR A CAPITAL PROJECT; GRANT AMENDMENT NO. 1 FOR AIP NOS. 03-06-0087-30, 31 AND 32, WHICH PROVIDE FOR ELECTRONIC REIMBURSEMENT REQUEST SUBMITTAL; AND ACCEPT NEW GRANT OFFER AGREEMENT NO. 01-06-0087-38 FOR \$278,400 OF OPERATING REVENUES WITH NO MATCHING REQUIREMENT; AND AUTHORIZE THE INTERIM DIRECTOR OF TRANSPORTATION TO EXECUTE THE REQUIRED GRANT DOCUMENTS, INSTRUMENTS, PAYMENT REQUESTS AND SO ON, SUBJECT TO PRIOR APPROVAL AS TO FORM BY THE CITY ATTORNEY

On motion of Councilmember Ronquillo, seconded by Councilmember Calhoun, duly carried, RESOLVED, the above entitled **CONSENT CALENDAR** hereby adopted, by the following vote:

Ayes	:	Boyajian, Calhoun, Castillo, Duncan, Ronquillo, Perea
Noes	:	None
Absent	:	Quintero

**CONSENT CALENDAR - BILL FOR INTRODUCTION:**

**(2-A) BILL NO. B-22** - AMENDING THE FRESNO MUNICIPAL CODE RELATING TO CONTRACTS FOR SERVICES, PUBLIC WORKS CONSTRUCTION, EQUIPMENT, MATERIALS AND SUPPLIES (ESTABLISHING CRITERIA AND PROCEDURES FOR HIRING/SELECTING CONSULTANTS)

**1.** ACCEPT REVISED ADMINISTRATIVE ORDER #6-19 ENTITLED “CONTRACTS FOR CONSULTANT SERVICES”

On motion of Councilmember Ronquillo, seconded by Councilmember Calhoun, duly carried, RESOLVED, the above entitled Bill No. B-22 introduced before the Council and laid over, and revised Administrative Order #6-19 hereby accepted, by the following vote:

Ayes : Boyajian, Calhoun, Castillo, Duncan, Ronquillo, Perea  
Noes : None  
Absent : Quintero

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**(9:15 A.M.) RESOLUTION NO. 2002-152, AS AMENDED - ESTABLISHING A COMMISSION FOR EFFICIENCY IN GOVERNMENT- COUNCILMEMBER CALHOUN (CITY AND COUNTY ACTION REQUIRED)**

Reviewed by Councilmember Calhoun who stated some of the many issues facing both the City Council and the Board of Supervisors included growth, high unemployment, air and water quality, transportation, and the delivery of public safety services; proposed a Commission for Efficiency in Government be established to take on the challenge of evaluating both the City and County and how services are provided to the public; clarified the Commission would operate under as few constraints as possible, would be broadly represented with strong, active leadership, and be linked closely to local government; noted the first substantive task of the Commission would be to engage in a process of education on three critical topics (the existing system of local government, previous local and California efforts to reform local government systems, and relevant national and foreign experiences with local government enhancement efforts); stated the Commission would not be obligated to follow any particular path or focus on a particular solution but would be free to explore any and all options deemed appropriate; noted the Commission would also be charged with the task of ensuring the feasibility of recommendations and would be asked to provide a plan with a reasonable prospect of adoption; made amendments to Section 6 of the resolution relating to "Funding", replacing the wording in the resolution with the following language: "**Section 6. Funding.** *Resources to implement and operate the Commission will be identified and jointly recommended to the Board of Supervisors and the City Council by the County Administrative Officer and City Manager,* and to **Section 4** relating to "**Nominating Committee**", deleting State Senator Jim Costa's name at this time stating he would recommend his name for consideration when appropriate, and replacing his name with the following language: "...*A community elected leader with State legislative experience to be selected by the Board of Supervisors and City Council;*"; and made a motion to adopt the resolution, which motion was seconded and acted upon after brief discussion.

Sallie Ramirez, retiree and member of the Commission on the Status of Women, spoke in support of the resolution.

Councilmembers Duncan and Ronquillo spoke in support and commended Councilmember Calhoun on the idea stating there were many challenges to be faced and this was something worth looking at. Councilmember Boyajian commented on the issue stating the Macias Group made recommendations to make government more efficient but the recommendations were not followed up on and presented questions relative to whether the City and County had the will to do something like this, what the Commission would focus on, and who would establish criteria, with Councilmember Calhoun responding and clarifying issues.

\*\* A visiting 3<sup>rd</sup> grade class from Del Mar Elementary School was recognized and welcomed.

President Perea spoke briefly in support and Councilmember Calhoun responded briefly to suggestions of Acting President Castillo relative to including Madera as part of the Commission and identifying five areas for the Commission to focus on.

On motion of Councilmember Calhoun, seconded by Councilmember Duncan, duly carried, RESOLVED, the above entitled Resolution No. 2002-152 hereby adopted, *as amended above*, by the following vote:

Ayes	:	Boyajian, Calhoun, Castillo, Duncan, Ronquillo, Perea
Noes	:	None
Absent	:	Quintero

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**(9:50 A.M.)** CONTINUED HEARING ON PLAN AMENDMENT NO. A-01-22, RE ZONING APPLICATION NO. R-01-34, AND ENVIRONMENTAL FINDINGS, FILED BY DAVID AND ESTHER HERRERA, TO DEVELOP A 0.6 ACRE SITE LOCATED AT THE SOUTHWEST CORNER OF N. BLACKSTONE AND W. ESCALON WITH A USED AUTOMOBILE SALES LOT AND SALES OFFICE BUILDING

**1. CONSIDER AND ADOPT THE MITIGATED NEGATIVE DECLARATION FOR ENVIRONMENTAL ASSESSMENT NO. A-01-22/R-01-34/C-01-225, DATED MARCH 14, 2002**

**2. RESOLUTION NO. 2002-153 - AMENDING THE BULLARD COMMUNITY PLAN**

**3. BILL NO. B-23 - ORDINANCE NO. 2002-23 - AMENDING THE OFFICIAL ZONE MAP TO REZONE THE SUBJECT SITE FROM R-1-C TO C-6**

President Perea announced the time had arrived to consider the issue and opened the hearing. Planner Chamberlain reviewed and gave a power point presentation on the issue as contained in the staff report as submitted, recommended approval, and along with Planning Manager Haro responded briefly to questions of President Perea and Acting President Castillo relative to whether a process was in place to monitor CUP compliance **(3 - 0)** and if inspection sanctions would be in place prior to the hiring of an inspector.

Ellis Daniels, Valley Steel Construction, representing the applicants, advised Council of the Herrera's background and their intentions with the project.

Upon call, no one else wished to be heard and President Perea closed the public hearing.

Councilmember Calhoun stated this was a historic moment as this was the first project under the new automobile sales lot ordinance, commented briefly in support of the project stating it would be monitored closely and added staff would be directed to enforce non-conforming lots in the area, and made a motion to approve staff's recommendation. Councilmember Ronquillo seconded the motion and complimented staff and the applicant stating substantial changes were made to the ordinance which would result in permanent improvements at car lots and added this was a win-win situation for all.

On motion of Councilmember Calhoun, seconded by Councilmember Ronquillo, duly carried, RESOLVED, the finding of a Mitigated Negative Declaration for Environmental Assessment No. A-01-22/R-01-34/C-01-255 dated March 14, 2002, hereby approved, the above entitled Resolution No. 2002-153 hereby adopted, and the above entitled Bill No. B-23 adopted as Ordinance No. 2002-23, by the following vote:

Ayes	:	Boyajian, Calhoun, Castillo, Duncan, Ronquillo, Perea
Noes	:	None
Absent	:	Quintero

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## **(10:00 A.M.) WORKSHOP ON ZOO OPERATIONS - COUNCILMEMBER DUNCAN**

Councilmember Duncan gave opening comments stating the zoo was a special place, complimented staff for presenting a quality product considering the challenges but stated the reality was there was a dark cloud over the zoo relative to needed funding and explained, stated he was concerned that the status quo would result in the closing of the zoo, and advised he scheduled the matter this date to begin a process of addressing concerns and to get on a path of solving them adding the zoo was worth it.

Parks and Recreation Director Primavera reviewed the issue (referencing the informational staff report which answered key questions), and Zoo Manager Waterhouse gave a power point presentation on the zoo's needs and operations.

Speaking to various zoo issues (i.e., funding, needs, its future, and recommendations) were: Jay Weed, Board President, Zoological Society; Mr. Gaston, Board Member and retired FUSD principal; Bill Stewart; and Mr. Richter.

Mr. Waterhouse clarified issues and responded at length to questions of Councilmember Duncan relative to attendance, if new attractions/exhibits would sustain the zoo, zoo revenues, number of repeat and new visitors, fixed costs, the last price increase and if it affected attendance, if a sound business plan was in place, needed funding to accomplish goals, capital improvements, how revenues could be increased, **(4 - 0)** future revenue opportunities (including Measure E), and increased attendance generated by improvements. Councilmember Duncan commented on how the Saginaw Zoo contracted with their Zoo Society which freed them from bureaucratic and political issues and constraints that their zoo had been operating under and stated he felt that was something Fresno needed to strongly consider, expressed concern with relying on the future Measure E that may not happen and commented on problem of marketing the zoo and the need for stronger/radical business management, and stated the city could not sit back and stick its head in the sand and hope one thing happens to solve all the zoo's problems and recommended, if appropriate, a motion to convene an 11-member task force (each council member appointing one member and two appointed by the Zoo Society and two appointed by the mayor), to be charged with looking at the zoo and reporting back with recommendations by November 12<sup>th</sup> on the zoo's management, operations and ownership structure, and that no current city management be part of the task force, which motion was seconded by President Perea (and subsequently withdrawn).

Councilmember Calhoun stated he was unclear with what was before Council; advised he appreciated where Councilmember Duncan was going but he thought this was just going to be a workshop wherein discussion and questions would take place; stated a task force might or might not be necessary at a later date but he could not support one at this time; and questioned (1) if any professional analysis had been conducted on the zoo's attendance other than the studies conducted by students (with Mr. Primavera stating no), and (2) if any information was available to Council on what has made other zoo's successful in terms of funding and operations (with Mr. Primavera stating staff would research and bring back information on three to five successful zoos), whereupon Councilmember Duncan withdrew his motion pending a report back from staff.

Councilmember Boyajian stated he concurred with Councilmember Calhoun and presented questions and/or commented on issues relative to grants and grant writers, lack of corporate sponsorships, other revenue streams, need for family plan admission fee, need for staff to include in their report other cities' admission fee policies, potential of directing parks funding to the zoo, animal breeding and revenue generation, and bonding for basic operational infrastructure, with Mr. Waterhouse, Mr. Primavera and City Manager Hobbs responding.

Councilmember Ronquillo commented and expanded on (1) the need for street and beautification efforts around the park area stating there was a perception of fear with inner city areas, (2) expanding the boundary of the park to the south, (3) renting out the stage area for various special events (weddings, parties, etc.) as a way to generate revenue, (4) the zoo being one of the biggest attractions in Fresno, and (5) not depending on a future tax. Upon question of President Perea Councilmember Duncan stated he planned to bring his motion back to Council. Councilmember Boyajian suggested the zoo be included in the Vision 2010 Plan with Councilmember Duncan responding and thanking all for their input. There was no further discussion.

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**LUNCH RECESS - 11:36 A.M. - 2:06 P.M.**

**(2:00 P.M. #1) CONTESTED CONSENT CALENDAR ITEMS:**

**(1-N) RESOLUTION NO. 2002-154 - AUTHORIZING THE FILING OF AN APPLICATION AND EXECUTION OF ALL APPLICATION AND CONTRACT DOCUMENTS WITH THE FEDERAL TRANSIT ADMINISTRATION (FTA), AN OPERATING ADMINISTRATION OF THE UNITED STATES DEPARTMENT OF TRANSPORTATION FOR FEDERAL TRANSPORTATION ASSISTANCE AUTHORIZED BY 49 U.S.C., CHAPTER 53, TITLE 23 OF THE UNITED STATES CODE, AND OTHER FEDERAL STATUTES ADMINISTERED BY THE FEDERAL TRANSIT ADMINISTRATION**

**1. RESOLUTION NO. 2002-155 - 93<sup>RD</sup> AMENDMENT TO AAR 01-200 APPROPRIATING \$1,626,9000 OF THE 2002 FTA URBAN AREA FORMULA GRANT FOR CAPITAL NEED**

Gloria Torrez spoke in opposition, requested the mayor veto the issue, and spoke in support of clean air diesel buses, removal of the FAX fare increase and increased frequencies on key bus lines.

On motion of Councilmember Duncan, seconded by President Perea, duly carried, RESOLVED, the above entitled Resolution No. 2002-154 authorizing the Transit General Manager to file the grant application with the Federal Transit Administration (FTA) in the amount of \$9,040,325 for fiscal year 2002 hereby adopted; the Transit General Manager authorized to execute (2) all necessary grant application documents on behalf of the City, and (2) all contract documents for grant acceptance upon FTA's approval of the City's grant application; and the above entitled Resolution No. 2002-155 authorizing the expenditure of funds for the grant projects hereby adopted, by the following vote:

Ayes	:	Boyajian, Calhoun, Castillo, Duncan, Ronquillo, Perea
Noes	:	None
Absent	:	Quintero

**(1-M) RESTATE AND AMEND THE CURRENT IRS SECTION 125 PLAN TO INCLUDE DEPENDENT AND HEALTH CARE EXPENSES, AND AUTHORIZE THE CITY MANAGER TO EXECUTE THE FLEXIBLE BENEFITS PLAN, SUMMARY PLAN DESCRIPTION, AND AGREEMENT FOR SERVICES WITH HEALTH COMP**



Councilmember Calhoun stated he did not like to see this type of issue on the consent calendar as it was a complicated one, and citing the administration of the plan and cost to the City questioned why it was placed on consent, if there would be an additional cost for administration of the program, if HealthComp was currently providing part of the program, and if there were any concerns with the program, with City Manager Hobbs, Human Resources Manager Chavez and Councilmember Duncan responding to questions and explaining the program and its benefits.

On motion of Councilmember Duncan, seconded by Councilmember Ronquillo, duly carried, RESOLVED, staff recommendation for Council approval to restate and amend the current IRS Section 125 Plan program to include dependent and health care expenses hereby approved, and the City Manager authorized to execute the Flexible Benefits Plan, Summary Plan Description, and Agreement for Services with HealthComp, by the following vote:

Ayes	:	Boyajian, Calhoun, Castillo, Duncan, Ronquillo, Perea
Noes	:	None
Absent	:	Quintero

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**(10:30 A.M.) DIRECT CITY ATTORNEY AND STAFF TO INVESTIGATE AND RECOMMEND SOLUTIONS TO PROVIDE FOR THE EFFECTIVE ENFORCEMENT OF CONDITIONAL USE PERMIT (CUP) CONDITIONS. TO BE CONSIDERED ARE CHANGES TO THE PROCESS THAT WILL PROVIDE FOR ON-GOING MONITORING, STRICT ENFORCEMENT AND THE ABILITY TO PROMPTLY SUSPEND A LICENSE DUE TO A SERIOUS OR CONSISTENT VIOLATION OF A CONDITION OF THE PERMIT - COUNCILMEMBER DUNCAN**

Reviewed by Councilmember Duncan who stated there were people who were clearly violating their CUP's and he felt enforcement and the ability to take quick action needed to be a priority to make the city the best it could be and elaborated, and requested staff report back with an effective program including a funding source. Councilmember Ronquillo spoke in support and City Attorney Montoy, Chief Dyer and ABC Liaison/Officer Parks clarified issues and/or responded to questions of Councilmembers Ronquillo and Boyajian relative to ability of the city to recover actual enforcement costs, need to make distinctions between the various CUP's, liquor licenses and perceived lack of city coordination with ABC, how ABC deals with city-referred violations/recommendations, responsible department for enforcement, hiring of a hearing officer, and different processes for different violations. Councilmember Calhoun spoke in support stating this was needed for those who did not play by the rules

Councilmember Duncan responded briefly to issues raised by Councilmember Boyajian, stated he hoped to include the Chamber of Commerce in the loop to get some business perspective, and made a motion to approve his direction as outlined, which motion was seconded and acted upon after brief discussion with City Manager Hobbs, President Perea, Ms. Montoy and Councilmember Ronquillo commenting on issues relative to dealing with challenges, stretching limited resources, difficulty in monitoring CUP's, enforcement process, zero tolerance for violations, supreme court decision relative to hearing officers having to be neutral, Council acting as the hearing body, and need for a balanced system.

On motion of Councilmember Duncan, seconded by Councilmember Calhoun, duly carried. RESOLVED, the city attorney and staff directed to investigate and recommend solutions to provide for the effective enforcement of conditional use permit (cup) conditions and consider changes to the process that will provide for on-going monitoring, strict enforcement and the ability to promptly suspend a license due to a serious or consistent violation of a condition of the permit, by the following vote:

Ayes : Boyajian, Calhoun, Castillo, Duncan, Ronquillo. Perea  
Noes : None  
Absent : Quintero

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**(2:00 P.M. #2) CLOSED SESSION:**

**(A) CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION - CASE NAMES:**

4. CITY OF FRESNO V. FRESNO COUNTY, LAFCO AND CITY OF CLOVIS - COUNCILMEMBER CALHOUN

Removed from the agenda.

1. CITY OF FRESNO V. ALPHA HOUSE, INC., ET AL
2. MIGUEL MAGOS V. CITY OF FRESNO, ET AL.
3. SCOTT ELLIS ENTERPRISES V. CITY OF FRESNO, UNION PACIFIC RAILROAD COMPANY FORMERLY KNOWN AS SOUTHERN PACIFIC TRANSPORTATION COMPANY

The City Council met in closed session in Room 2125 at the hour of 2:55 p.m. to consider the above issues and reconvened in regular open session at 3:43 p.m.

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**(3:00 P.M.) PRESENTATION OF FISCAL YEAR 2002-2003 BUDGET - MAYOR AUTRY**

1. PUBLIC HEARING SET FOR 5/14/02, AT 11:00 A.M. TO DISCUSS THE FY 2003 BUDGET (*CONTINUE TO 5/14/02 AT 1:30 P.M.*)
2. SET PUBLIC HEARING FOR CDBG ANNUAL ACTION PLAN

Referencing the budget hearing schedule, Councilmember Duncan requested the schedule be modified to adopt the budget before June 25<sup>th</sup>. Brief discussion ensued and the schedule was modified to hold the last hearing for budget adoption on June 18<sup>th</sup> to allow for mayoral veto rights.

Mayor Autry gave an overview of his four proposed budget cornerstones: maintaining service levels and increasing efficiencies, protecting the reserves, increasing public safety (**6 - 0**), and investing in downtown revitalization/Vision 2010 Plan; and reviewed issues relative to social services funding and grant writing function, the police department including crime fighting, the COPS Universal Hiring Plan, hiring six additional police officers, and purchase of a new skywatch helicopter, the Parks Division budget (no reduction), pocket park program for green space challenged neighborhoods, and picket fence program to fight blight and increase neighborhood pride and safety.

Councilmember Ronquillo spoke to the need to focus on and match the balance of the EDA grant for the Roeding Business Park, with City Manager Hobbs and Mayor Autry responding. Acting President Castillo stated Council was ever vigilant of their districts and neighborhoods and would be fighting for every dollar for them. Councilmember Boyajian presented questions and/or commented on lack of utilization of existing helicopters, number

of helicopters needed, success of community-based policing, and how additional police officers would assist in mitigating murders (with Chief Dyer responding), and concurred with Acting President Castillo that neighborhoods were the number one priority and expressed concern with less public works funding, with Mr. Hobbs and Mayor Autry responding. President Perea thanked the Mayor and Council Budget Committee and stated his priorities would be public safety, commitment to rebuilding neighborhoods, and no increases in rates this year. There was no further discussion.

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## **ADJOURNMENT**

There being no further business to bring before the Council, the hour of 5:57 p.m. having arrived and hearing no objections, President Perea declared the meeting adjourned.

**APPROVED** on the 14<sup>th</sup> day of May, 2002.

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Henry Perea, Council President	ATTEST: Yolanda Salazar, Assistant City Clerk